

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY RAY DENNY, JR.,

Defendant.

**CR-18-81-GF-BMM-JTJ**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS AND  
GRANTING MOTION TO  
CHANGE PLEA**

Defendant Larry Denny appeared before United States Magistrate Judge John Johnston on January 29, 2019, and entered a plea of guilty to one count of Domestic Abuse by a Habitual Offender. Judge Johnston entered Findings and Recommendations on January 29, 2019. (Doc. 53).

Judge Johnston determined: (1) that Denny was fully competent and capable of entering an informed and voluntary plea; (2) that Denny was aware of the nature of the charges against him and the consequences of pleading guilty; (3) that Denny fully understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty to Count II as charged in the Indictment; and (4) that Denny's plea of guilty was a knowing and voluntary plea supported by an

independent basis in fact establishing each of the essential elements of Count II as charged in the Indictment. *Id.* at 1-2.

Judge Johnston recommended that this Court accept Denny's plea of guilty to Domestic Abuse by a Habitual Offender. *Id.* at 2. Neither party filed objections. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error.

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 53) are **ADOPTED IN FULL**. Denny's Motion to Change Plea (Doc. 45) is **GRANTED**.

DATED this 22nd day of February, 2019.



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Brian Morris  
United States District Court Judge